
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Pork Antitrust Litigation_____

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:

Sysco Corp. v. Agri Stats, Inc., et al.,
Case No. 21-cv-1374 (D. Minn.)

JOINT MOTION REGARDING CONTINUED SEALING

Documents have been filed under temporary seal in connection with the following motion:

<i>Sysco Corporation's and Carina Ventures LLC's Joint Motion for Substitution of Plaintiff</i>	<i>Doc No. 1940</i>
---	-------------------------

Pursuant to LR 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

DKT. NO.	DKT. NO. OF REDACTED VERSION (IF FILED)	DESCRIPTION OF DOCUMENT	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree.	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
---------------------	--	------------------------------------	---	--	--

1971	1972	<p>Defendants' Memorandum in Opposition to Joint Motion for Substitution of Plaintiff</p>	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing of the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Sysco takes no position on the redactions in the remainder of the document.</p> <p>Amory takes no position on the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Amory does not oppose unsealing of the remainder of the document.</p>	<p><u>Defendants</u>: Defendants propose unsealing this entire document because it concerns a matter of public concern, the redacted information, while designated as confidential by Sysco and Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco</u>: Sysco objects to Defendants' proposed unsealing of the presently redacted information on pages 6-7 of Defendants' Opposition (Dkt. 1972). Those pages quote from or purport to paraphrase or characterize the depositions of Sysco witness Joe Don Eilers and Sysco 30(b)(6) deponent Sheb Cotter, both of which were properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the information on pages 6-7 of Defendants' Opposition is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the current redactions are proper and should be maintained.</p> <p><u>Amory</u>: Amory agrees with Sysco that the redacted information on pages 6-7 is</p>
------	------	---	--	--

					irrelevant to the Motion for Substitution but takes no position as to its unsealing. The redacted information on page 29 is also irrelevant to the Motion, but Amory does not object to its unsealing.
1974	N/A	Index to Exhibits Filed Under Seal	Defendants, Sysco, and Amory agree that this document should be unsealed.		<p><u>Defendants:</u> Defendants propose unsealing this document because it contains no confidential information.</p> <p>Sysco: Sysco agrees to the unsealing of this document because it contains no confidential information.</p> <p>Amory: Amory agrees to the unsealing of this document because it contains no confidential information.</p>

1974-1	N/A	Exhibit C to the Declaration of Craig Coleman in Support of Defendants' Memorandum in Opposition to Joint Motion for Substitution of Plaintiff ("Coleman Substitution Decl.")	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing.</p> <p>Amory takes no position as to the continued sealing of this document.</p>	<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Sysco, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco:</u> Sysco objects to Defendants' proposed unsealing of Exhibit C to the Coleman Substitution Decl., which contains excerpts from the deposition of Sysco witness Joe Don Eilers, which was properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the testimony is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the document should be maintained under seal.</p> <p>Amory takes no position as to the continued sealing of this document.</p>
--------	-----	---	---	--

1974-2	N/A	Exhibit D to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Sysco requests continued sealing.</p> <p>Amory takes no position as to the continued sealing of this document.</p>	<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Sysco, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Sysco:</u> Sysco objects to Defendants' proposed unsealing of Exhibit D to the Coleman Substitution Decl., which contains excerpts from the deposition of Sysco 30(b)(6) deponent Sheb Cotter, which was properly designated by Sysco as Highly Confidential under Paragraph 5 of the Amended Protective Order (ECF No. 1155). The testimony at issue contains confidential and highly sensitive business information, methods, and analysis relevant to Sysco's ongoing business operations.</p> <p>Moreover, the testimony is wholly irrelevant to the Motion for Substitution and was therefore improperly included in Defendants' Opposition.</p> <p>Sysco submits that the document should be maintained under seal.</p> <p>Amory takes no position as to the continued sealing of this document.</p>
--------	-----	---	---	--

1974-3	N/A	Exhibit I to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-4	N/A	Exhibit J to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-5	N/A	Exhibit K to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>

1974-6	N/A	Exhibit L to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>
1974-7	N/A	Exhibit M to the Coleman Substitution Decl.	<p>Defendants' position is that this document should be unsealed.</p> <p>Amory does not object to the unsealing of this document.</p>		<p><u>Defendants:</u> Defendants oppose sealing because the information, while designated as confidential by Amory, does not contain information that is a trade secret, proprietary, commercial sensitive, or otherwise warranting confidential treatment in 2023.</p> <p><u>Amory:</u> Amory does not object to the unsealing of this document.</p>

Respectfully Submitted,

Dated: August 28, 2023

/s/ Craig S. Coleman

Richard A. Duncan (#0192983)
Aaron D. Van Oort (#0315539)
Craig S. Coleman (#0325491)
Emily E. Chow (#0388239)
FAEGRE DRINKER BIDDLE & REATH LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000
richard.duncan@faegredrinker.com
aaron.vanoort@faegredrinker.com
craig.coleman@faegredrinker.com
emily.chow@faegredrinker.com

Jacob D. Bylund (*pro hac vice*)
Robert C. Gallup (#0399100)
FAEGRE DRINKER BIDDLE & REATH LLP
801 Grand Ave., 33rd Floor
Des Moines, IA 50309
(515) 248-9000
jacob.bylund@faegredrinker.com
robert.gallup@faegredrinker.com

John S. Yi (*pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2200
Philadelphia, PA 19103
(215) 988-2700
john.yi@faegredrinker.com

Jonathan H. Todt (*pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH LLP
1500 K Street NW, Suite 1100
Washington, DC 20005
(202) 842-8800
jonathan.todt@faegredrinker.com

***Counsel for Hormel Foods Corporation and
Hormel Foods, LLC***

/s/ Daniel E. Laytin, P.C.

Mark L. Johnson (#0345520)
Davida S. McGhee (#0400175)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
mjohnson@greeneespel.com
dwilliams@greeneespel.com

Daniel Laytin, P.C. (*pro hac vice*)
Christa Cottrell, P.C. (*pro hac vice*)
Jenna M. Stupar (*pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 861-2000
daniel.laytin@kirkland.com
christa.cottrell@kirkland.com
jenna.stupar@kirkland.com

***Counsel for Clemens Food Group, LLC
and The Clemens Family Corporation***

/s/ John A. Cotter

John A. Cotter (#0134296)
John A. Kvinge (#0392303)
LARKIN HOFFMAN DALY & LINDGREN
LTD.
8300 Norman Center Drive, Suite 1000
Minneapolis, MN 55427-1060
(952) 835-3800
jcotter@larkinhoffman.com
jkvinge@larkinhoffman.com

Richard Parker (*pro hac vice*)
Josh Lipton (*pro hac vice*)
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
(202) 955-8500
rparker@gibsondunn.com
jlipton@gibsondunn.com

Brian Robison (*pro hac vice*)
BROWN FOX PLLC
6303 Cowboys Way, Suite 450
Frisco, TX 75034
(972) 707-1809
brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.

/s/ Sami H. Rashid

Sami H. Rashid (*pro hac vice*)
Michael B. Carlinsky (*pro hac vice*)
David B. Adler (*pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
samirashid@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
richardvagas@quinnemanuel.com
davidadler@quinnemanuel.com

Donald G. Heeman (#0286023)
Jessica J. Nelson (#0347358)
Randi J. Winter (#0391354)
SPENCER FANE LLP
100 South Fifth Street, Suite 1900
Minneapolis, MN 55402-4206
(612) 268-7000
dheeman@spencerfane.com
jnelson@spencerfane.com
rwinter@spencerfane.com

Counsel for JBS USA Food Company

/s/ Peter J. Schwingler

Peter J. Schwingler (#0388909)
JONES DAY
90 South Seventh Street, Suite 4950
Minneapolis, MN 55402
(612) 217-8800
pschwingler@jonesday.com

Jordan M. Baumann
JONES DAY
325 John H. McConnell Boulevard, Suite 600
Columbus, OH 43215-2673
(614) 469-3939
jbaumann@jonesday.com

William L. Greene (#0198730)
William D. Thomson (#0396743)
STINSON LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
(612) 335-1500
william.greene@stinson.com
william.thomson@stinson.com

J. Nicci Warr (*pro hac vice*)
STINSON LLP
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
(314) 863-0800
nicci.warr@stinson.com

Counsel for Seaboard Foods LLC

/s/ Christopher A. Smith

Aaron Chapin (#0386606)
Christopher A. Smith (*pro hac vice*)
Tessa K. Jacob (*pro hac vice*)
A. James Spung (*pro hac vice*)
Jason Husgen (*pro hac vice*)
HUSCH BLACKWELL LLP
8001 Forsyth Boulevard, Ste 1500
St. Louis, MO 63105
Telephone: (314) 480-1500
aaron.chapin@huschblackwell.com
chris.smith@huschblackwell.com
tessa.jacob@huschblackwell.com
james.spung@huschblackwell.com
jason.husgen@huschblackwell.com

Counsel for Triumph Foods, LLC

/s/ Tiffany Rider Rohrbaugh

Tiffany Rider Rohrbaugh (*pro hac vice*)
Rachel J. Adcox (*pro hac vice*)
Lindsey Strang Aberg (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
1901 L Street NW
Washington, DC 20036
(202) 912-4700
trider@axinn.com
radcox@axinn.com
lstrang@axinn.com

Jarod Taylor (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, CT 06103
(860) 275-8109
jtaylor@axinn.com

David P. Graham (#0185462)
DYKEMA GOSSETT PLLC
4000 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 486-1521
dgraham@dykema.com

***Counsel for Tyson Foods, Inc., Tyson
Prepared Foods, Inc. and Tyson Fresh Meats,
Inc.***

/s/ William L. Monts III

Peter H. Walsh (#0388672)
HOGAN LOVELLS US LLP
80 South Eighth Street, Suite 1225
Minneapolis, MN 55402
(612) 402-3000
peter.walsh@hoganlovells.com

William L. Monts (*pro hac vice*)
Justin W. Bernick (*pro hac vice*)
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
(202) 637-5600
william.monts@hoganlovells.com
justin.bernick@hoganlovells.com

Counsel for Agri Stats, Inc.

/s/ Julie B. Rubenstein

Michael Calhoon
Julie B. Rubenstein
Brian C. Kerr
Christopher P. Wilson
Wyatt M. Carlock
BAKER BOTTS L.L.P.
700 K Street NW
Washington, DC 20001
Telephone: (202) 639-7739
Facsimile: (202) 585-1058
michael.calhoon@bakerbotts.com
julie.rubenstein@bakerbotts.com
brian.kerr@bakerbotts.com
christopher.wilson@bakerbotts.com
wyatt.carlock@bakerbotts.com

Counsel for Sysco Corporation

/s/ Scott E. Gant

Scott E. Gant
Boies Schiller Flexner LLP
1401 New York Ave., NW
Washington, DC 20005
Tel: 202-237-2727
Fax: 202-237-6131
sgant@bsflp.com

Colleen Harrison
Boies Schiller Flexner LLP
333 Main Street
Armonk, NY 10504
Tel: 914-749-8204
Fax: 914-749-8300
charrison@bsflp.com

Counsel for Amory Investments LLC